

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN L. CRUISE, JR., BRIAN CONRAD,
KENNETH J. DIBBLE, MATTHEW A. EIRICH,
MICHAEL KOLOGY, PETER J. KROL,
EDGAR VELLOTTI,

Plaintiffs,

- against -

MICHAEL J. DOYLE, as General Chairman, LOCAL
DIVISION 9, LOCOMOTIVE ENGINEERS,
ASSOCIATION OF COMMUTER RAIL EMPLOYEES,
LOCAL DIVISION 9, LOCOMOTIVE ENGINEER
ASSOCIATION OF COMMUTER RAIL EMPLOYEES,
and MTA METRO-NORTH RAILROAD,

Defendants.

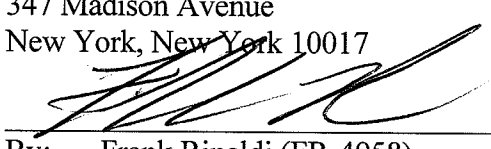
**NOTICE OF MOTION IN
SUPPORT OF DEFENDANT
METRO-NORTH'S
MOTION FOR A JUDGMENT
ON THE PLEADINGS**

07-CV-3940
(Pauley, J)
(Pitman, MJ)

PLEASE TAKE NOTICE that, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, on Friday, May 23, 2008, at 9:30 a.m., defendant Metro-North Commuter Railroad will move this Court for an order granting it a judgment on the pleadings dismissing the plaintiffs claim because plaintiffs amended complaint fails to state a claim and it is entitled to judgment as a matter of law.

Dated: New York, New York
May 23, 2008

Respectfully submitted,
Richard K. Bernard, General Counsel
Metro-North Railroad Company
Attorney For Defendants
347 Madison Avenue
New York, New York 10017


By: Frank Rinaldi (FR-4958)
Sr. Associate Counsel